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### REMARKS

The following is intended as a full and complete response to the Office Action mailed on August 12, 2004. Claims 24-39 were examined. The Examiner rejected claims 24-39 under 35 U.S.C. § 112, first paragraph, claims 24-27, 33-35, 38 and 39 under 35 U.S.C. § 102(e) as anticipated by Mugino (U.S. Patent No. 6,343,088), and claims 28-32 under 35 U.S.C. § 103(a) as obvious in view of Mugino in combination with Ventrudo (U.S. Patent No. 6,233,259).

#### Rejections under 35 U.S.C. § 112

The Examiner rejected claims 24-39 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. Specifically, the Examiner states that the application does not describe the laser operating below a threshold, as recited in pending claim 24, and that the type of threshold is not defined. In response, Applicants are amending claim 24, and, to the extent the rejection applies to the amended claim, respectfully traverse.

Claim 24, as amended, recites the limitation that the cavity has a gain with a maximum at a wavelength  $\lambda_{\max}$ , where the laser is operating below a lasing threshold at  $\lambda_{\max}$ . There is clear support in the application for this limitation. Curves 10 and 11 in Figures 2A-2C of the application show the gain and losses in the laser cavity, respectively, as a function of wavelength. As curve 10 in each of Figs. 2A-2C shows, the maximum gain occurs at a wavelength where the losses in the cavity are greater than the gain. As is well understood in the art, a laser operates in a non-lasing mode, or below a lasing threshold, whenever the losses in the cavity are greater than the gain.

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Based on the foregoing, Applicants respectfully submit that the application properly supports the amendment to claim 24 and therefore requests that the §112 rejection of the claim be withdrawn.

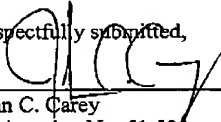
Rejections under 35 U.S.C. § 102(e) and 103(a)

The Examiner based his §102(e) rejection of claims 24-27, 33-35, 38 and 39 and his §103(a) rejection of claims 28-32 on Mugino, which has a §102(e) date of September 15, 1999. As the record indicates, Applicants' application claims proper priority to French patent application no. 99 05528, which was filed on April 30, 1999. Based on the foregoing, Mugino is not a proper §102(e) reference and therefore cannot anticipate or render obvious any of the pending claims. For this reason, Applicants respectfully submit that amended claim 24 and claims 25-39, dependent thereon, are in condition for allowance.

**Conclusion**

Based on the above remarks, Applicants believe that they have overcome all of the rejections set forth in the Final Office Action mailed January 29, 2004 and that the pending claims are in condition for allowance. If the Examiner has any questions, please contact the Applicants' undersigned representative at the number provided below.

Respectfully submitted,

  
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